

Remarks/Arguments**I. Status of the Claims**

Claims 1-17 are pending. The Examiner has required restriction of these claims under 35 U.S.C. § 121, and has grouped these claims into Groups I-III. (Office Action at 2.)

II. Election of Claims, With Traverse

Applicants elect, with traverse, Group 1, claims 1-5. Claims 6-17 are hereby withdrawn, subject to Applicants' request below that the Examiner rescind the restriction requirement and proceed to examine claims 1-17. If the Examiner elects to maintain the restriction requirement, Applicants elect Group 1 with traverse, as noted above. Applicants reserve the right to file a divisional application that includes these claims at a later date.

III. The Restriction Should be Withdrawn Because There is No Reason to Divide Among The Related Inventions Pursuant to MPEP § 808.02

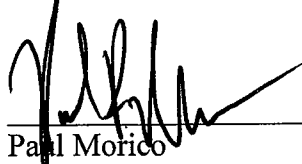
Applicants respectfully submit that the restriction imposed by the Examiner is improper, and traverse the restriction requirement because the Examiner has not demonstrated a compelling reason for imposing the restriction requirement. *See* MPEP § 802.02. As such, Applicants respectfully request the withdrawal of the restriction requirement as to claims 1-17; Applicants further request that the Examiner commence examination of claims 1-17.

Applicants respectfully submit that the Examiner did not demonstrate that the examination of claims 1-17 in one application constitutes a serious burden, as required under MPEP § 808.02. Examining Groups I-III together would not constitute a serious burden because the claimed inventions have the same classification, the same field of search, and the Examiner has shown no clear indication of separate status in the art. Accordingly, dividing up claims directed to related but distinct inventions is improper.

Further, the Examiner has not shown that Groups II and III should be examined separately, because the Examiner's position that "the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require that the variable rotation speed of the pump be slaved to the biological fluid flow rate" (Office Action at 2) is misplaced. Applicants' claim 6 and 9 both recite "wherein the variable rotation speed of the pump is slaved to the biological fluid flow rate." Accordingly, dividing up the claims in Groups II and III is improper.

For at least these reasons, Applicants respectfully request the restriction requirement as to claims 1-17, grouped into Groups I-III, be withdrawn. Applicants further request examination of claims 1-17.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Morico', is written over a horizontal line.

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